

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

Civil Action No. 7:19-CV-97

JENNY G. BEARD

Plaintiff,

vs.

TOWN OF TOPSAIL BEACH, TOWN OF  
TOPSAIL BEACH POLICE DEPARTMENT and  
OFFICER JACOB ALLEN, in His Individual and  
Official Capacities,

Defendants,

**OBJECTION TO EXPERT WITNESS  
DISCLOSURE**

NOW COME the Defendants Town of Topsail Beach (the “Town”), Town of Topsail Beach Police Department (“TBPD”) and Officer Jacob Allen, in His Individual and Official Capacities (“Officer Allen”), by and through the undersigned counsel of record, and respectfully OBJECTS to Plaintiff’s Expert Witness Disclosure served on or about January 1, 2020 on the following grounds:

1. Plaintiff’s Expert Witness Disclosure fails to comply with Rule 26 of the Federal Rules of Civil Procedure for multiple reasons, including, but not limited to:
  - a. Fails to attach a written report prepared and signed by each expert witness;
  - b. Fails to contain a complete statement of all opinions each witness would express and the basis and reasons for them;
  - c. Fails to include the facts or data considered by the witness in forming any expert opinion



- a. Fails to attach or include any exhibits that would be used to summarize or support the expert opinions;
- b. Fails to list or identify the qualifications of the expert witnesses, including a list of all publications authored in the previous ten (10) years;
- c. Fails to include a list of all other cases, in which, during the previous four (4) years, the witness has testified as an expert at trial or by deposition;
- d. Fails to include or attach the statement of the compensation to be paid for the study and testimony of the expert witnesses in this case and;
- e. Fails to comply with the terms and conditions of Federal Rules of Civil Procedure 26 and the Case Management Order [DE #22] filed August 29, 2019.

WHEREFORE, based upon the forgoing, as well as all other matters that appear of record, the Defendants Town of Topsail Beach, Town of Topsail Beach Police Department and Officer Jacob Allen respectfully OBJECT to Plaintiff's Expert Witness Disclosure and respectfully DEMAND that the Expert Witness Disclosure be supplemented so as to comply with the Scheduling Order and Rules of Civil Procedure. Defendants further pray that their obligations as established by the Rules of Civil Procedure and/or the Scheduling Order be stayed and suspended until Plaintiff supplements her Expert Witness Disclosure as demanded, as well as for such other and further relief as may be deemed just and proper.

Respectfully submitted, this the 16th day of January, 2020.

CROSSLEY MCINTOSH COLLIER HANLEY & EDES, PLLC

/s/ Clay Allen Collier *CAC*  
Clay Allen Collier  
NC State Bar No. 13266

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Wilmington, NC 28403  
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**CERTIFICATE OF SERVICE**

I hereby certify that on 16th day of January, 2020, I served a copy of the foregoing **Objection to Expert Witness Disclosure** by U.S. Mail, addressed as follows:

Christopher Anglin, Esq.  
Anglin Law Firm  
PO Box 91746  
Raleigh, NC 27609

This the 16th day of January, 2020.

/s/ Clay Allen Collier  
Clay Allen Collier

